

SUPPLEMENTAL EXHIBIT 4

LEN STOLER, INC., dba Len Stoler Audi,)
)
)
 Plaintiff,)
)
)
v.) CIVIL ACTION
)
VOLKSWAGEN GROUP OF AMERICA, INC., dba) 1:15-cv-1659
Audi of America, Inc.,)
)
 Defendant.)
)

REPORTER'S TRANSCRIPT

MOTION HEARING

Friday, September 2, 2016

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BEFORE: THE HONORABLE T.S. ELLIS, III
Presiding

APPEARANCES: BARBARA S. WAHL, ESQ.
RUSSEL P. MCRORY, ESQ.
MICHAEL MCMAHAN, ESQ.

For the Plaintiff

MARK DARE, ESQ.
DANIEL R. FINE, ESQ.

For the Defendant

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MICHAEL A. RODRIGUEZ, RPR/CM/RMR
Official Court Reporter
USDC, Eastern District of Virginia
Alexandria Division

1 are in point?

2 ATTORNEY WAHL: That's correct. On the
3 section that we are really focusing on, 207(h), there
4 has been no specific case on point decided by the
5 Maryland Courts of Appeals.

6 THE COURT: How odd.

7 Now, let me go on. I am not done yet.

8 ATTORNEY WAHL: Okay.

9 THE COURT: What state statute did Maryland
10 base its statute on, or did it do it sui generis, if you
11 know?

12 ATTORNEY WAHL: My understanding is that it
13 is sui generis.

14 THE COURT: All right. Now, I know there
15 are other statutes that are dissimilar from it, one in
16 New York, in particular, but let's put that to the side.

17 I take it you would agree with me that the
18 novel questions that you present are best decided by the
19 Supreme Court of Maryland.

20 ATTORNEY WAHL: Our position, your Honor, is
21 that this Court is fully capable --

22 THE COURT: I didn't ask you that. Of
23 course it is. My question is: That's the last
24 authority on this question, isn't it?

25 It isn't the Fourth Circuit and it isn't